



agreements to researchers at the University of California at Berkeley and the University of California at Riverside to conduct studies on the termite species. At UC Berkeley, Michael I. Haverty, Ph.D., and Vernard R. Lewis, Ph.D., received \$79,283 to conduct research on the size and dispersion of colonies of reticulitermes in wildlife and residential locations in northern California; David L. Wood, Ph.D., received \$67,069 to study the effects of cellulose-degrading fungi on feeding and foraging behaviors of the western subterranean termite, *Reticulitermes hesperus*; and W. Wayne Wilcox, Ph.D., received \$60,000 to conduct an evaluation of chemical treatments designed to improve the durability of wood-shingle roofs.

At UC Riverside, Thomas H. Atkinson, Ph.D., and Michael K. Rust, Ph.D., were awarded \$56,100 to conduct a study to determine which drywood and subterranean termite species are actually causing structural damage in urban areas of southern California located within distinct climatic zones, and to prepare an identification manual incorporating illustrated keys for accurate identifications. Dr. Rust was separately awarded \$30,929 to determine if there is any predictable behavior that can be observed in groups of western drywood termites, *Incisitermes minor*, when exposed to certain temperature gradients at constant relative humidities, and \$23,499 to evaluate the effectiveness of various insecticides and formulations as perimeter barrier treatments against Argentine ants, comparing the residual efficacy of sprays applied with backpack sprayers and conventional power sprayers.

Board President Caryl Iseman requested that staff prepare a written report on the condition of SPCB's Research Fund for the next Board meeting.

## LEGISLATION

**SB 2044 (Boatwright)** declares legislative findings regarding unlicensed activity and authorizes all DCA boards, bureaus, and commissions, including SPCB, to establish by regulation a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. This bill also provides that the unlicensed performance of activities for which a SPCB license is required may be classified as an infraction punishable by a fine not less than \$250 and not more than \$1,000. This bill was signed by the Governor on September 28 (Chapter 1135, Statutes of 1992).

**AB 3327 (Sher)** makes a number of amendments to the Structural Pest Control Act regarding inspection report requirements. For example, existing law provides that the inspection report regarding wood-destroying pests by a registered structural pest control company or licensee, other than a Branch 4 licensee, shall contain certain information; roof leaks are to be reported as conditions usually deemed likely to lead to infestation or infection. This bill, in addition, requires that report to contain either a statement indicating that the exterior surface of the roof was not inspected, and that if a determination of water-tightness is desired, the consumer should contact a licensed roofing contractor for that determination; or a statement that the exterior surface of the roof was inspected to determine whether or not wood-destroying pests or organisms are present.

Existing law requires all Branch 4 registered pest control companies to retain for three years all field reports from which a verbal or written estimate of or recommendations for work are made. A written inspection report must be prepared and delivered to the person requesting an inspection. Existing law requires a copy of the inspection report to be filed with SPCB at the time the report is delivered or not later than five working days after the date the inspection is made. This bill deletes the references to Branch 4 licenses and provides instead for the licensure and regulation of wood roof cleaning and treatment registered companies, as specified. After July 1, 1993, the bill requires those companies to be licensed contractors. This bill also requires that written inspection report to be prepared and delivered to the person requesting the report within five working days of the inspection if a contract is executed to perform the work. The bill requires that a copy of the report be filed with the Board at the time the report is delivered or not later than five working days after the contract is executed to perform corrective work. Finally, this bill requires the written inspection report to contain a statement providing that corrective measures will not improve the water-tightness of the roof and that the consumer may contact a licensed roofing contractor, as specified. The bill also requires at the time the report is ordered that the person or entity be informed by the licensee that a separated report is available, as specified. This bill was signed by the Governor on July 18 (Chapter 274, Statutes of 1992).

**AB 3255 (Frazee)**. Existing law provides that a company registered with SPCB shall, upon request when inspection

of a structure is made, prepare a certification containing specified statements relating to the absence or presence of wood-destroying pests or organisms. This bill provides that when an inspection has disclosed no infestation or infection, the statement contained in the certification shall state that no evidence of active infestation or infection was found in the visible and accessible areas. This bill also allows the partner or officer of a registered company to be licensed either as an operator or as a field representative. This bill was signed by the Governor on July 18 (Chapter 270, Statutes of 1992).

## RECENT MEETINGS

At SPCB's August 7 meeting, staff reported that the Board's inspectors have been "modernized" with new computers, modems, and photocopy machines; the equipment will enable the inspectors to conduct more investigations since they will not have to travel back to their office in order to draft their reports.

## FUTURE MEETINGS

February 26 in Monterey.

## TAX PREPARER PROGRAM

*Administrator:*  
*Jacqueline Bradford*  
*(916) 324-4977*

Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers approximately 19,000 commercial tax preparers and 6,000 tax interviewers in California, pursuant to Business and Professions Code section 9891 *et seq.* The Program's regulations are codified in Division 32, Title 16 of the California Code of Regulations (CCR).

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have completed sixty hours of instruction in basic personal income tax law, theory, and practice within the previous eighteen months, or have at least two years' experience equivalent to that instruction. Twenty hours of continuing education are required each year.

Prior to registration, tax preparers must deposit a bond or cash in the amount of \$2,000 with the Department of Consumer Affairs. Registration must be renewed annually, and a tax preparer who does not renew his/her registration within three years after expiration must obtain a new



## REGULATORY AGENCY ACTION

registration. The Program's initial registration fee is \$50; the renewal fee is \$50; and the registration fee for a branch office is \$25.

Members of the State Bar of California, accountants regulated by the state or federal government, and those authorized to practice before the Internal Revenue Service are exempt from registration.

An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act. Under the Act, the Administrator is supposed to be assisted by a nine-member State Tax Preparer Advisory Committee consisting of three registrants, three persons exempt from registration, and three public members. However, the last committee members' terms expired on December 31, 1988; no members have ever been appointed to replace them. Further, the Tax Preparer Advisory Committee will be eliminated as of January 1, 1993, due to ABX 66 (Vasconcellos) (Chapter 21X, Statutes of 1992), which also eliminated 46 other specified advisory boards (*see infra* LEGISLATION).

### MAJOR PROJECTS

**Fee Increase Approved.** On July 15, the Office of Administrative Law approved the Program's proposed amendment to section 3230, Title 16 of the CCR. [12:2&3 CRLR 149] This amendment increases the registration renewal fee for tax preparers and tax interviewers from \$40 to \$50, and sets the branch office fee at \$25. This amendment became effective August 14.

### LEGISLATION

**SB 2044 (Boatwright)** declares legislative findings regarding unlicensed activity and authorizes all DCA boards, bureaus, and commissions, including the Tax Preparer Program, to establish by regulation a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. This bill also provides that the unlicensed performance of activities for which Tax Preparer Program registration is required may be classified as an infraction punishable by a fine not less than \$250 and not more than \$1,000. SB 2044 also provides that if, upon investigation, the Program has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services without being properly licensed by the Program to offer or perform those services, the Program may issue a citation containing an order of correction which

requires the violator to cease the unlawful advertising and notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

Existing law requires that, as a condition of the Program's acceptance of an assurance of voluntary compliance by a registrant accused of a disciplinary offense, a registrant must pay all investigative costs actually incurred in discovering the alleged violations, not to exceed \$500. Existing law requires a registered tax preparer to post a \$2,000 bond and provides that the total bond required for any single tax preparer and associated interviewers not exceed \$50,000; existing law also limits the registrant fees paid by a single tax preparer and associated tax interviewers to \$1,500 per calendar year. SB 2044 deletes the investigative costs requirement; increases the amount of the bond for a tax preparer to \$5,000 and sets the maximum total bond for a single tax preparer and associated tax interviewers at \$125,000; and removes the annual \$1,500 cap on registrant fees paid by a single tax preparer and associated tax interviewers. This bill was signed by the Governor on September 28 (Chapter 1135, Statutes of 1992).

**ABX 66 (Vasconcellos)** abolishes 47 specified advisory boards, including the Program's Tax Preparer Advisory Committee. This bill, which takes effect on January 1, 1993, was signed by the Governor on September 28 (Chapter 21X, Statutes of 1992).

**AB 683 (Moore)**, as amended April 1, would have established a Legal Access Pilot Program and Advisory Commission within the Tax Preparer Program to, among other things, register and regulate nonlawyers providing legal assistance (sometimes called "legal technicians" or "independent paralegals"). [11:4 CRLR 51, 211-12] This bill died in committee.

### BOARD OF EXAMINERS IN VETERINARY MEDICINE

*Executive Officer: Gary K. Hill  
(916) 920-7662*

Pursuant to Business and Professions Code section 4800 *et seq.*, the Board of Examiners in Veterinary Medicine (BEVM) licenses all veterinarians, veterinary hospitals, animal health facilities, and animal health technicians (AHTs). The Board evaluates applicants for veteri-

nary licenses through three written examinations: the National Board Examination, the Clinical Competency Test, and the California State Board Examination.

The Board determines through its regulatory power the degree of discretion that veterinarians, AHTs, and unregistered assistants have in administering animal health care. BEVM's regulations are codified in Division 20, Title 16 of the California Code of Regulations (CCR). All veterinary medical, surgical, and dental facilities must be registered with the Board and must conform to minimum standards. These facilities may be inspected at any time, and their registration is subject to revocation or suspension if, following a proper hearing, a facility is deemed to have fallen short of these standards.

The Board is comprised of six members, including two public members. The Board has eleven committees which focus on the following BEVM functions: continuing education, citations and fines, inspection program, legend drugs, minimum standards, examinations, administration, enforcement review, peer review, public relations, and legislation. The Board's Animal Health Technician Examining Committee (AHTEC) consists of the following political appointees: three licensed veterinarians, three AHTs, and two public members.

In late May, Assembly Speaker Willie Brown appointed Ellen O'Connor to fill a public member position on the Board; O'Connor also serves as a board member of the Yolo County Society for the Prevention of Cruelty to Animals. On June 24, the Senate Rules Committee reappointed Jean Guyer to serve as a public member on the Board; her term will end on June 1, 1996. On July 17, Governor Wilson appointed San Diego veterinarian Michael Clark to fill a DVM position on the Board; Clark owns and practices at San Diego Pet Hospital.

### MAJOR PROJECTS

**OAL Approves Regulatory Changes.** On September 3, the Office of Administrative Law approved BEVM's amendments to sections 2014, 2015, 2015.1, 2024, 2031(a), 2070, and 2071, Title 16 of the CCR, which effect a number of regulatory revisions relating to the practice of veterinary medicine. [12:2&3 CRLR 150] Among other things, the amendments change an existing reference to the "written portion and practical portion" of the veterinary licensing exam to the "national examination and California state board exam," reflecting more accurate terminology for both exams;